

AMENDED IN SENATE JULY 16, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 978

Introduced by Assembly Member Negrete McLeod
(Coauthors: Senators Alarcon and Kuehl)

February 20, 2003

An act to amend Section 710.8 of the Unemployment Insurance Code, relating to the California State University, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 978, as amended, Negrete McLeod. California State University: disability benefits.

Existing law establishes the California State University and its various campuses under the administration of the Trustees of the California State University. Existing law authorizes the trustees to elect to become employers whose employees are eligible for payment of disability benefits from the continuously appropriated Unemployment Compensation Disability Fund, provided that the election is the result of a negotiated agreement between the trustees and a recognized employee organization.

This bill would require, rather than authorize, the trustees to elect to become employers whose employees are eligible for payment of disability benefits from the Unemployment Compensation Disability Fund. The bill would also provide that this eligibility for disability benefits could occur as a result of an election held by a recognized employee organization *in accordance with a designated procedure* as well as through a negotiated agreement.

By increasing the pool of potential recipients from, and potential contributors into, a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 710.8 of the Unemployment Insurance
2 Code is amended to read:

3 710.8. (a) (1) The Trustees of the California State
4 University, as defined as an employer in Section 3562 of the
5 Government Code, shall elect to become an employer subject to
6 Part 2 (commencing with Section 2601) with respect to all
7 employees who are part of an appropriate unit established pursuant
8 to Chapter 12 (commencing with Section 3560) of Division 4 of
9 Title 1 of the Government Code, provided the election is the result
10 of a negotiated agreement between the Trustees of the California
11 State University and a recognized employee organization of the
12 university, as those terms are defined in Section 3562 of the
13 Government Code, or is approved through an election held by a
14 recognized employee organization of the university in accordance
15 with the election procedures set forth in ~~Section 3577 of the~~
16 ~~Government Code~~ subdivision (d) of this section.

17 (2) The Trustees of the California State University may also
18 elect to provide coverage to its management and confidential
19 employees and to its employees who are not a part of an
20 appropriate unit, provided that the election is not contingent upon
21 coverage of other employees of the Trustees of the California State
22 University.

23 (b) Upon filing of the election, the filing entity shall, upon
24 approval by the director, become an employer subject to Part 2
25 (commencing with Section 2601) to the same extent as other
26 employers, and services performed by its employees, including
27 those with civil service or tenure positions, who are subject to an
28 election under this section shall constitute employment subject to
29 that part.

30 (c) Sections 986 and 2903 apply to an employer making an
31 election pursuant to this section.



1 (d) (1) Upon an affirmative vote of the governing body of the
2 employee organization, that governing body shall order that an
3 election shall be conducted by secret ballot, placing on the ballot
4 the question of whether the employees of that appropriate
5 bargaining unit do or do not desire that the Trustees of the
6 California State University shall become the employer of the
7 employees of that appropriate bargaining unit for the purposes of
8 being subject to Part 2 (commencing with Section 2601).

9 (2) The recognized employee organization of the California
10 State University shall certify the results of the election on the basis
11 of which ballot choice receives a majority of the valid votes cast.
12 There shall be printed on the ballot two choices, one which
13 specifies the desire to be covered by state disability insurance and
14 one which specifies the desire to continue to be covered by
15 nonindustrial disability insurance.

16 (3) The ballot shall present the questions in a manner that
17 stipulates that, if the election determination is in favor of the
18 employees, desire to be covered by state disability insurance, this
19 determination is intended to supplant the nonindustrial disability
20 insurance program provided for in Article 1.2 (commencing with
21 Section 89529.15) of Chapter 5 of Part 55 of the Education Code.

